

IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF ARKANSAS
JONESBORO DIVISION

MARY PETERMAN

PLAINTIFF

v.

3:07CV00047-WRW

DERRICK TINSLEY and
GREAT DANE, L.P.

DEFENDANTS

ORDER

This is an employment discrimination suit brought under the Arkansas Civil Rights Act (“ACRA”).¹ In its Response to Plaintiff’s Motion to Remand, Defendant Great Dane raised a new issue arguing that Defendant Tinsley should be dismissed from suit, because an individual supervisor cannot be held liable under ACRA. I refused to address the issue at that time, directing Plaintiff to address the issue. Plaintiff has now responded (Doc. No. 19).

In Plaintiff’s response, my attention was brought to an earlier ruling, *Barbara Sparr v. Janet Ward, et. al.*,² in which I adopted Judge Eisele’s ruling from *Lara Vineyard v. EWI, Inc. and Joe Whiteside*.³ In *Lara Vineyard*, Judge Eisele found that within ACRA, there is a distinction between the liability imposed upon “employers”⁴ and upon “persons,”⁵ which would allow individual liability for a retaliation claim but not a discrimination claim. This finding has not been addressed by either the Arkansas Supreme Court or the Eighth Circuit; therefore, I will stand pat and follow *Sparr*⁶ once again. Accordingly, Defendants’ Motion to Dismiss is DENIED.

IT IS SO ORDERED this 31st day of July, 2007.

/s/Wm. R. Wilson, Jr.
UNITED STATES DISTRICT JUDGE

¹Ark. Code Ann. § 16-123-101.

²Case No. 4:00CV00717-WRW.

³Case No. 4:02CV00609-GTE.

⁴Ark. Code Ann. § 16-123-107(c)(1)(A).

⁵*Id.* at § 16-123-108(a).

⁶Case No. 4:00CV00717-WRW.